IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1115 OF 2005

M/s. Neel Sagar Co.Op.
Hsg.Society & Ors. ..Petitioners

Vs.

Shri.Ganpat Bhiwa Raut
& Anr. ..Respondents

...
Mr.R.S.Apte with
Mr.Manohar Limaye Advocate for
Petitioners
Mr.A.L.Kumar with Mr.Amber Joshi for Respondent
No.1
Mr.Rajesh More A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : AUGUST 26,2005

P.C.

1. Heard the learned advocate for the petitioners, learned advocate for the respondent no.1-complainant and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of proceedings relating to Criminal Case No.33 of 2005 pending before the learned Chief Judicial

Magistrate, Thane. In the said case, process has been issued against the petitioners under Section 406 r.w.34 of IPC. The learned advocate for the petitioners submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. If the process issued against the petitioners is set aside, the proceedings in respect of the petitioners, would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the

petitioners makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, interim stay granted by this Court, shall stand extended for a period of four weeks from today.

. The learned advocate for the respondent no.1-complainant fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]